



AIELLO CANNICK
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July 5, 2021

VIA ECF

Honorable Ann M. Donnelly
United States District Court Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Robert Kelly, 19-286 (S-1)(AMD)

Dear Judge Donnelly:

We write to request a delay in the commencement of Robert Kelly's trial. While he is anxious to move forward and address the charges against him, it is my considered view that given my limited access to him as well as circumstances of his detention, I simply do not have enough time to adequately meet with him and also digest the massive discovery.

We were retained to join Mr. Kelly's defense team on 6/21/2021. On 6/21/2021, Mr. Kelly was transferred from Chicago to MDC Brooklyn. He arrived at the MDC facility on 6/22/2021. He was immediately placed in quarantine. To adequately prepare to confront Robert Kelly's accusers, I must have access to Mr. Kelly. Given his quarantine status, it has not been possible for us to meet. Robert will be in quarantine for 14 days from the date of his arrival at MDC, Brooklyn. Moreover, when he is out of quarantine, MDC has very limited conference rooms for us to meet. If a room is not available, then we must meet at a table along with other attorneys and their respective clients. The nature of the evidence here does not lend itself to open frank discussions in such an environment. Before agreeing to joining Mr. Kelly's defense team, I was aware of the trial date. Although, I thought that that it would take a herculean effort to get up to speed, I thought it would be possible to do so. However, with Mr. Kelly not being available and the limited access that would be available to effectively meet with him, we would not have enough time to have meaningful preparation for an August 9th trial date.

The charges here are serious. The consequences are dire. Mr. Kelly not only has a right to an attorney of his choosing but also the right to effective and meaningful representation. The aforementioned circumstances deny him those rights.

Therefore, we respectfully request an adjournment of the trial date so that he can adequately prepare and assist in his defense. My request is not by any means a dilatory tactic. As I mentioned previously, Robert is anxious to have his day in court; however not at the expense of his Sixth Amendment rights. In the interest and fair play, Robert Kelly respectfully request that his trial date be postponed.

Thank you in advance for your consideration.

Respectfully submitted,

/s/ Deveraux L. Cannick

Deveraux L. Cannick

DLC/mw

cc: All parties via ECF